

### **Remarks**

In the Office Action dated April 21, 2005, the Examiner rejected claims 1-3, 6, 8-11, 14, 16-20 under 35 U.S.C. § 103 as being unpatentable over the U.S. Patent to Soha 4,817,080 in view of the article of Smith, et al. The Examiner rejected claims 4, 5, 7, 12, 13 and 15 under 35 U.S.C. § 103 as being unpatentable over Soha in view of Smith, et al. and further in view of the U.S. Patent to Phal 5,315,580.

The U.S. Patent to Soha which is cited on page 3, lines 13-15 of the application discloses a system that measures traffic statistics by looking at packet contents. Soha is concerned with monitoring a statistics-bearing communication bus (or legs of a local area network) to guarantee that complete statistics are collected. The system collects distributed measurements and forwards them to a centralized point.

Soha is not concerned with collecting statistics at a plurality of measurement points in order to reconstruct a path taken by undesirable network traffic through a computer network from a source of the traffic as only provided by the present invention (see Title, Field of the Invention and object of the invention). An example of such a path is shown in Figure 6 of the present invention wherein the path of the attack traffic goes through various Routers A, B and C. A word search of the Soha patent reference fail to disclose any mention of the words "path" or "reconstruct."

Smith, et al. is concerned with placing fire walls outside corporate network boundaries, into the Internet, to block an attacker. Clearly, Smith, et al. is not concerned with analyzing statistics in order to reconstruct a path taken by undesirable network traffic through a computer network from a source of the traffic. While Smith, et al. discusses multiple paths from a source of an attack there is no discussion of reconstructing such a path or paths.

Contrary to the Examiner's position, "reconstruction of the path" from a source of the undesirable network traffic is not a method used to block or control traffic from getting

to its destination. In other words, "blocking" is not the same as "reconstructing." Dependent claims 2 and 10 call for the additional step of "blocking" in addition to the step of "reconstructing" in the present application. Path reconstruction is described in detail on page 18, lines 18-32 of the application. Also, path determination and reconstruction can be found at page 17, lines 18-20 and at page 23, lines 2-14.

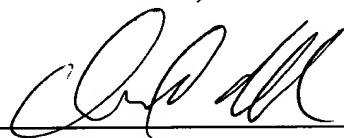
Furthermore, the Examiner has not pointed to any teaching within either of the cited references to suggest the proposed combination of references. Soha is simply not concerned with collecting statistics in order to deal with undesirable network traffic. Consequently, one of ordinary skill in the art would not look to Soha to solve the problem only addressed by the present invention.

In summary, the method of "blocking" in Smith, et al. is not the same as "reconstructing" a path taken by undesirable network traffic through a computer network from a source of the traffic as only provided by the present invention.

Consequently, in view of the above and in the absence of better art Applicants' Attorney respectfully submits the application is in condition for allowance is respectfully requested.

Respectfully submitted,

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